

NEWS IN BRIEF

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FMC Commissioner Daniel Maffei Disparages PierPass

The West Coast Terminal Operator Agreement (WCMTOA) filed an amendment to the PierPass agreement that would make it a permanent program. PierPass is an incentive program to assess fees to beneficial cargo owners to encourage use of off-peak gate services to help eliminate heavy daytime traffic at the Ports of Los Angeles and Long Beach.

Commissioner Maffei disagreed with the amendment and stated that the PierPass program has not met its goals. He said, "PierPass had given up any semblance of having congestion-related pricing to help incentivize better traffic flow. Today, it collects a Traffic Mitigation Fee that mitigates no traffic." He has asked for a full Commission meeting to consider FMC investigations or action concerning the WCMTOA proposed amendment as well as review of the underlying agreement.

A copy of Commissioner Maffei' comments can be found on the FMC [website](#).

Timing on the Uyghur Forced Labor Prevention Act

We are receiving a lot of questions on what will be required for filing entries on goods from Xinjiang Uyghur Region. The new law requires documentation for shipments from that region that will be needed for entry and that U.S. Customs and Border Protection (CBP) issue instructions before the effective date of the law, which is Tuesday, June 21, 2022. CBP is currently working on a Federal Register Notice, and they expect it to be issued by the end of April.

FMC Commissioner Reminds BOC's of Options for Filing Complaints with the FMC

Federal Maritime Commission (FMC) Commissioner Rebecca Dye issued a statement to provide guidance to Beneficial Cargo owner (BCO's) on the options they have to file complaints with the FMC about unfair demurrage and detention charges assessed against them. Her statement includes links to explanation of the difference between filing a complaint and filing a report of potential violations of the law.

The FMC's website has summary of her statement that can be found [here](#).

This statement includes import links into the filing process. It covers the difference between a formal complaint and a small claims complaint that is for claims of \$50,000.00 or less. The link to the formal complaint process can be found [here](#).

Many of our customers have demurrage issues that are \$50,000.00 or less that can be handled by a settlement officer and that process is described on the FMC [website](#).

These processes are available now as we wait for the final disposition of the bill for the Ocean Shipping Reform Act (OSRA) that is under mark-up in the Congress or for the review of the FMC's Advance Notice of Rule Making that reinforces enforcement of the guidelines that FMC has published but are often ignored.



By **Todd Boice**, President